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BOOK REVIEWS.

THE LAW OF DAMAGES AND COMPENSATION. By F. O. ARNOLD. London: BUTTERWORTH & Co. 1913. pp. lxxvi, 367.

For the American lawyer this book possesses much less interest and value than any of our standard works on the subject. It gives little attention to American cases and rarely cites an American writer. Indeed, the only reference to an American text book which a rather careful search has discovered is to the sixth edition of Sedgwick on Damages. And yet, the ninth edition of that great work, noticed in this Review for February, 1913, at p. 175, appeared before Mr. Arnold's volume went to press.

Limiting his discussion to English cases, our author is able to cover his subject in a book of moderate size (three hundred and sixteen pages); while the latest edition of Sedgwick fills four volumes with nearly three thousand pages of text, exclusive of the Table of Cases and Index. Happy is the lot of an English lawyer or law-writer in contrast with that of his American brother! A single volume contains all of the decisions for a year of the Court of last resort for the British Empire, while the grist of cases ground out by the lower courts is of Lilliputian proportions in comparison with ours. As a result, Mr. Arnold easily disposes of damages upon the sale of goods in sixteen pages, whereas this topic extends through one hundred and ten pages in Sedgwick. In England, condensation has been aided by the Sale of Goods Acts, while the Uniform Sales Act has not yet been adopted by a sufficient number of our states to make its influence felt in this direction.

Undoubtedly, the moderate size of Mr. Arnold's book is not due wholly to the moderate bulk of judicial decisions which he has to consider. It results in part from his determination not to theorize about the law, but to formulate existing rules of law. Contrast, for example, his treatment of liability in damages for "mental anguish," "nervous shock," "fright," "wounded feelings" and the like, with the treatment of the same topic in Sedgwick. He sums up the result of English decisions concisely and accurately, but makes no attempt to trace the history of existing anomalies nor to correct them. On the other hand, the editors of Sedgwick have analyzed the English as well as the American decisions, and have formulated what they believe to be the correct principles to be applied hereafter by the courts.

A similar contrast is discernible in the treatment of proximate cause by these two authors. Arnold states judicial results; Sedgwick undertakes to harmonize conflicting decisions, when this is possible, but always to champion doctrine which is believed to be sound. It is worthy of remark that neither of these authors shows any disposition to discard the term "proximate cause" for that of "legal cause."

Although Mr. Arnold's work will not supplant any of the American text books on Damages, it will be found of real worth to members of our bar, as a supplement to them. It is an excellent and convenient compendium of English decisions upon this subject.

Francis M. Burdick.